

**Waste Compliance and Mitigation Program Staff Report**  
New Minor Waste Tire Facilities Permit for Recycle Depot, Inc.  
TPID No. 1622736  
September 13, 2010

**Background Information, Analysis, and Findings:**

This report was developed in response to an application received from the operator of The Recycle Depot, Inc., located at 10716 8th Avenue in the City of Hanford in Kings County for a New Minor Waste Tire Facilities Permit (WTFP). The Recycle Depot operates on a 21 acre parcel and operates construction and demolition and inert material processing (under Notification 16-AA-0029), green waste chipping and grinding (under Notification 16-AA-0028), trucking company, auto dismantler and tire processor. Tires are stored on site, ground in a shredder, and then taken to Avenal Landfill for disposal. Once the permit is issued, the facility will have the ability to process up to 4,999 waste tires.

The Recycle Depot has been in operation since 2008. Kings County Health Department Environmental Health Services referred the facility to CalRecycle. An inspection was conducted on June 16, 2010 and was found to need a waste tire facility permit as there were more than 500 tires on site. The operator removed the excess tires and currently has less than 500 waste tires on site.

Staff of the Waste Compliance and Mitigation Program, Permitting and Local Enforcement Agency Support Division (PLEAS) received an application for a Minor WTFP on July 21, 2010. On August 4, 2010, PLEAS staff accepted the application as complete and correct pursuant to Title 14, Section 18425. The Department has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a WTFP. The Department is required to act by January 31, 2011.

**Findings:**

All of the required submittals and findings required by Title 14, Section 18431 have been provided and made. Staff has determined that CEQA requirements have been met to support the issuance of the permit. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 14 Sections	Findings	
California Environmental Quality Act (CEQA)	PLEAS staff find the issuance of the New Minor WTFP does not require new CEQA documentation (see below for details).	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Compliance History	See compliance history below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
17350-17356 Pre-Permit Inspection Tire Storage	CalRecycle staff conducted a Pre-Permit Inspection on June 16, 2010. Several violations	<input checked="" type="checkbox"/> Acceptable

Standards	were observed due to the facility operating without a permit. These violations will be corrected and another inspection conducted August 10, 2010 found the facility to be in compliance. See compliance history below.	<input type="checkbox"/> Unacceptable
18431(a)(b)(c)(d) Application Forms 500-503	All application forms were accepted by PLEAS staff as complete on August 4, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
18431(h) Local Requirements	<i>Local Vector Control:</i> July 20, 2010, Steven F. Gilles, staff from the Kings Mosquito Abatement District, performed an inspection and found no mosquitoes present, and determined that the operator was following Section 17353 Vector Control Measures.  <i>Local Fire Authority:</i> The local fire approval form dated July 8, 2010, from Michael Virden, Inspector, with the Kings County Fire Department, documents the department's approval of the facility's waste tire storage plans and the emergency response equipment to be maintained at the facility.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: Legal Office	October 5, 2010	
Compliance Evaluation and Enforcement Division	August 24, 2010	

#### **Compliance History:**

The facility was inspected by CalRecycle staff June 16, 2010, due to a referral from Kings County Environmental Health Services. The following Violations were noted:

- 14 CCR Section 18459.3 – Retention of Comprehensive Trip Logs for 3 years
- 14 CCR Section 18460.2 – Manifest System Requirements for Registered Waste Tire Haulers
- 14 CCR Section 18461 – Manifest System Requirements for Waste Tire End-Use Facilities
- 14 CCR Section 18462 – Manifest System Requirements for Tire Dealers of Waste Tire Generators
- PRC Section 42824 – Major Waste Tire Facility Permit
- 14 CCR Section 18420(a) – Applicable for Permit
- 14 CCR Section 18423 – Filing Application for Permit
- 14 CCR Section 18432 – Operations Plan
- 14 CCR Section 18433- Emergency Response Plan

Another inspection was conducted by CalRecycle staff on August 10, 2010, and found the operator had removed waste tires to less than 500.

**Environmental Analysis:**

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor Waste Tire Facility Permit before the Department issues that permit. In this case, the Department is a lead agency under CEQA and must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The Recycle Depot, Inc. has operated since 2008 under a Conditional Use Permit issued by the King County Planning Agency on October 10, 2008. The Kings County Planning Agency prepared and circulated locally an Initial Study/Mitigated Negative Declaration; it was adopted on October 10, 2008 and a Notice of Determination was filed on November 20, 2008. The CUP approves the facility to be "a recycling facility of ferrous metals, wood, green waste, dirt, tires, sheetrock, and concrete on the same property."

The proposed Minor Waste Tire Facility Permit presently under consideration is for the operation of an existing waste tire facility; located on a 21 acre parcel and limited to having 4,999 tires on site at any one time.

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor Waste Tire Facility Permit the Department issues.

Department staff has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under a Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project.

Furthermore, Department staff has provided a finding that the facility is an existing waste tire storage facility, and the applicant does not propose any significant changes in operation from that approved under the Conditional Use Permit that Kings County Planning Agency issued in 2008; therefore the facility meets the conditions of CCR 14 Section 15301 as Categorical Exempt - Existing Facilities.

Department staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this Minor Waste Tire Facility Permit. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's issuance of this proposed Minor Waste Tire Facility Permit.

Staff recommends that the Department, acting as a lead agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities (Section 15301), to be filed with the State Clearinghouse after the Department's issuance of the Minor Waste Tire

Facility Permit, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from those authorized under the Conditional Use Permit issued by the Kings County Planning Agency in 2008. Further, there are no grounds under CEQA for the Department to prepare any additional environmental documents.

Department staff further recommends the Categorical Exemption is adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the proposed Minor Waste Tire Facility Permit and all of its components and supporting documentation, this staff report, the Categorical Exemption and other documents and materials utilized by the Department in reaching its decision on issuing this permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Local Issues:**

According to the 2000 Census, the City of Hanford is approximately 64.1% White, 5.0% Black or African American, 1.4% American Indian and Alaskan Native, 2.9% Asian, 0.2% Native Hawaiian and other Pacific Islander, 20.8% some other race, and 5.7% two or more races, and 38.7% of the population identify themselves as Hispanic or Latino. Median household income was \$37,582 and 14.2% of the families were below the poverty level.

A review of the public process indicates that environmental justice issues were not identified by the surrounding community and is consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

**Public Comments:**

No public comments have been received by Department. The Department provided an opportunity for public comment during the WCMP workshop on September 13, 2010.

Attachment: Minor Waste Tire Facility Permit